



## Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on October 8, 2003

Date

Signature

David B. Ran

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

1. Filing of an Information Disclosure Statement Under 37 CFR 1.97(c) (2 copies)
2. PTO Form 1449 (1 copy)
3. 24 References (1 copy of each)

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*



1638  
\$ 1 FIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor : David G. Charne  
Application Number : 09/993,751  
Filing Date : Nov. 16, 2001  
Title : Brassica with early maturity resistance to an  
AHAS-inhibitor herbicide and blackleg disease

Group/Art Unit : 1638  
Examiner :

Attorney Docket Number : 1311

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**FILING OF AN INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.97(c)**

The attached list of citations is being submitted under the provisions of 37 CFR §1.56 and §1.97 in order to comply with the duty of disclosure. Their inclusion herein should not, however, be construed as an admission that any particular cited reference is effective prior art or that it discloses or renders obvious any aspect of the claimed invention.

The references cited herein are listed on the enclosed PTO Form 1449.  
Copies of each are enclosed.

This statement is being filed under the provisions of 37 CF. §1.97(c), before the mailing date of a final office action under §1.113, before the mailing date of a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, along with the authorization to charge the \$180.00 fee specified in 37 CFR §1.17(p) to the Deposit Account 16-1852.

10/16/2003 HROCHA1 00000029 161852 09993751

01 FC:1806

180.00 DA

Serial No. 09/993,751  
Group Art Unit: 1638

Please charge any additional fees under 37 CFR §1.16 or §1.17 which may be required by this paper, or credit any overpayment to the indicated Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David B. Ran', written over the typed name.

David B. Ran  
Attorney for Applicant(s)  
Registration No. 38,589

PIONEER HI-BRED INTERNATIONAL, INC.  
Corporate Intellectual Property  
7100 N.W. 62<sup>nd</sup> Avenue  
P.O. Box 1000  
Johnston, Iowa 50131-1000  
Phone: (515) 334-4465  
Facsimile: (515) 334-6883



<b>Form PTO-1449</b> <b>U.S. Department of Commerce</b> <b>Patent and Trademark Office</b>  <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>BY APPLICANT</b>  <i>(Use several sheets if necessary)</i>	<b>ATTORNEY DOCKET NO.</b> 1311	<b>SERIAL NO.</b> 09/993,751
	<b>APPLICANT</b> Charne, et al.	
	<b>FILING DATE</b> November 16, 2001	<b>GROUP</b>

**U.S. PATENT DOCUMENTS**

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	A1	5,545,821	8/13/96	Wong, et al.	800	230	
	A2	5,387,758	2/7/95	Wong, et al.	800	230	
	A3	5,773,702	6/30/98	Penner, et al.	800	230	
	A4	5,767,366	6/16/98	Sathasivan, et al.	800	300	
	A5	6,303,849 B1	10/16/01	Potts, et al.	800	306	

**FOREIGN PATENT DOCUMENTS**

		Document Number	Date	Country	Class	Subclass	Translation Yes	No

**OTHER DOCUMENTS** (Including Author, Title, Date Pertinent Pages, Etc.)

	A6	Miki, et al., 1990, <i>Theoretical and Applied Genetics</i> , 80:449-458, "Transformation of <i>Brassica napus</i> canola cultivars with <i>Arabidopsis thaliana</i> acetohydroxyacid synthase genes and analysis of herbicide resistance"
	A7	Swanson, et al., 1988, <i>Plant Cell Reports</i> , 7:83-87, "The characterization of herbicide tolerant plants in <i>Brassica napus</i> L. after in vitro selection of microspores and protoplasts"
	A8	Rutledge, et al., 1991, <i>Mol. Gen. Genet.</i> , 229:31-40, "Molecular characterization and genetic origin of the <i>Brassica napus</i> acetohydroxyacid synthase multigene family"
	A9	Ouellet, et al., 1992, <i>Plant Journal</i> , 2:321-330, "Members of the acetohydroxyacid synthase multigene family of <i>Brassica napus</i> have divergent patterns of expression"
	A10	Hattori, et al., 1992, <i>Can J. Bot.</i> , 70: 1957-1963, "DNA sequence relationships and origins of acetohydroxy acid synthase genes of <i>Brassica napus</i> "
	A11	Swanson, et al., 1989, <i>Theor. Appl. Genet.</i> , 78:525-530, "Microspore mutagenesis and selection: Canola plants with field tolerance to imidazolinones"



Form PTO-1449	U.S. Department of Commerce Patent and Trademark Office	ATTORNEY DOCKET NO. 1311	SERIAL NO. 09/993,751
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use several sheets if necessary)		APPLICANT Charne, et al.	
		FILING DATE November 16, 2001	GROUP

**OTHER DOCUMENTS** (Including Author, Title, Date Pertinent Pages, Etc.)

A12	Newhouse, et al., 1992, <i>Plant Physiol.</i> , 100:882-886, "Tolerance to imidazolinone herbicides in wheat"
A13	Sprague, et al., 1997, <i>Weed Technology</i> , 11:241-247, "Common cocklebur ( <i>Xanthium strumarium</i> ) resistance to selected ALS-inhibiting herbicides"
A14	Wright, et al., 1998, <i>Weed Science</i> , 46:24-29, "In vitro and whole-plant magnitude and cross-resistance characterization of two imidazolinone-resistant sugarbeet ( <i>Beta vulgaris</i> ) somatic cell selections"
A15	Seefeldt, et al., 1998, <i>Weed Science</i> , 46:632-634, "Production of herbicide-resistant jointed goatgrass ( <i>Aegilops cylindrica</i> ) x wheat ( <i>Triticum aestivum</i> ) hybrids in the field by natural hybridization"
A16	Harms, et al., 1992, <i>Mol. Gen. Genet.</i> , 233:427-435, "Herbicide resistance due to amplification of a mutant acetohydroxyacid synthase gene"
A17	Lee, et al., 1988, <i>The Embryo Journal</i> , 7:1241-1248, "The molecular basis of sulfonylurea herbicide resistance in tobacco"
A18	Lovell, et al., 1996, <i>Weed Science</i> , 44:789-794, "Imidazolinone and sulfonylurea resistance in a biotype of common waterhemp ( <i>Amaranthus rudis</i> )"
A19	Foes, et al., 1999, <i>Weed Science</i> , 47:20-27, "A kochia ( <i>Kochia scoparia</i> ) biotype resistant to triazine and ALS-inhibiting herbicides"
A20	Bing, D., 1991, M. Sc. Thesis, University of Saskatchewan, "Potential of gene transfer among oilseed brassica and their weedy relatives"
A21	Newhouse, et al., 1988, <i>American Chemical Society Symposium Series Managing Resistance to Agrochemicals</i> , 421:474-482, "Genetic Modification of Crop Responses to Imidazolinone Herbicides"
EXAMINER	
DATE CONSIDERED	
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	



Form PTO-1449	U.S. Department of Commerce Patent and Trademark Office	ATTORNEY DOCKET NO. 1311	SERIAL NO. 09/993,751
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use several sheets if necessary)		APPLICANT Charne, et al.	
		FILING DATE November 16, 2001	GROUP

**OTHER DOCUMENTS** (Including Author, Title, Date Pertinent Pages, Etc.)

	A22	Fehr, W.R., et al., 1987, <i>Mutation Breeding</i> , 1:286-303, "Principles of Cultivar Development"
	A23	Hattori, J., et al., 1995, <i>Mol Gen Genet</i> , 246: 419-425, "An Acetohydroxy acid synthase mutant reveals a single site involved in multiple herbicide resistance"
	A24	Hobbs, S.L.A., 1987, <i>Can. J. Plant Sci.</i> , 67: 457-466, "Comparison of Photosynthesis in Normal and Triazine-Resistant"
EXAMINER		DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		